

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SPANSION INC,

No. C06-01733 MJJ

Plaintiff,

**ORDER REGARDING PROTECTIVE
ORDER**

v.

MACRONIX INTERNATIONAL CO.,

Defendant.

On August 7, 2006 the parties submitted a Proposed Stipulated Protective Order. The Court hereby orders the parties to submit a revised protective order complying with the requirements set forth below.


- 1) When defining what constitutes "Confidential Information," add a provision which provides that the information sought to be protected is properly subject to protection under FRCP Rule 26(c) and that counsel shall not designate any discovery material "CONFIDENTIAL" without first making a good faith determination that protection is warranted.
- 2) Provide detailed instructions for filing confidential materials under seal. In addition to placing documents in a sealed envelope with instructions that the document is filed pursuant to the Stipulated Protective Order and that the envelope is not to be opened absent further order of the court, the envelope should be labeled to identify the title

of the case, the case number, and the title of the document.

- 3) Add a provision which provides adequate means for challenging a confidentiality designation.
- 4) Add a provision placing the burden of proof on the party seeking protection to show that such protection is warranted.
- 5) Attach a sample non-disclosure agreement, which should include an acknowledgment that the confidentiality order has been read, that the party has agreed to be bound by its terms, and that the party agrees to submit to the jurisdiction of this court if any dispute arises over their use of the information.
- 6) Designate a time limit on the Court's jurisdiction to enforce the terms of the order. (e.g., six months after final termination of the action).

IT IS SO ORDERED.

Dated: August 11, 2006



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE